

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

BRENDA BATISTE	§	
	§	
V.	§	NO. 1:05-CV-109
	§	
CITY OF BEAUMONT, CITY OF	§	
BEAUMONT POLICE DEPART-	§	
MENT, TOM SCOEFIELD, PAUL	§	
PERRIT, RAY E. BECK, and	§	
DARLENE WISBY	§	

ORDER GRANTING PLAINTIFF'S SECOND MOTION TO ENLARGE TIME

Pending is plaintiff's second motion to enlarge time for her response to defendant's motion to dismiss. It is

ORDERED that plaintiff's second motion to enlarge time for this response (Docket No. 14) is **GRANTED**. It is further

ORDERED that plaintiff's response is due on or before July 25, 2005. It is further

ORDERED that no further extensions of time for plaintiff's response will be permitted.

Defendants filed their motion to dismiss or alternative motion for a more definite statement on June 13, 2005. The Local Rules provide that a party opposing a motion has 12 days from the date the motion was served in which to serve and file a response. Local Rule CV-7(e). Plaintiff's response to defendant's motion was due no later than June 27, 2005.

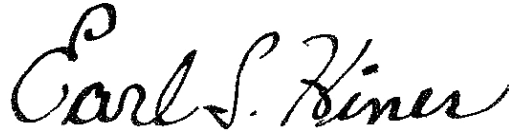
Plaintiff filed a motion for extension of time to respond to defendant's motion on June 21, 2005. Plaintiff's motion asserted that defendant's motion raised "complex issues," and that she could not complete her response by the deadline because these issues required additional research. Docket No. 10 at 2. The court granted plaintiff's motion and extended the response deadline to July 11, 2005.

Now, plaintiff has filed a second motion for an extension on identical grounds – that defendant's motion raises "complex issues of law and fact" – without elucidating which issues are complex, or whether plaintiff has been diligently working on her response.

The court's review of defendant's motion indicates that the motion mainly raises the argument that the City is immune from suit, and also alleges that plaintiff's complaint does not provide sufficient factual allegations to state a claim upon which relief may be granted, or to fairly advise defendants of the basis for her claim. The principles of law raised in defendant's motion are well-settled and plaintiff has not

explained how the issues raised by defendant are overly “complex.” Moreover, plaintiff has had more than enough time to amplify factual allegations sufficiently to state a cognizable claim and to fairly advise defendants of the factual basis for her claim. For these reasons, the court will not consider further extensions of plaintiff’s response time for this motion.

SIGNED this 19th day of July, 2005.

A handwritten signature in black ink, reading "Earl S. Hines". The signature is written in a cursive style with a large initial "E".

Earl S. Hines
United States Magistrate Judge